

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**

United States Courts Southern  
District of Texas  
FILED

*August 14, 2023*

Nathan Ochsner, Clerk of Court

STATE OF TEXAS, *et al.*,

Plaintiffs,

v.

UNITED STATES OF AMERICA, *et al.*,

Defendants,

*and*

KARLA PEREZ, *et al.*,

Defendant-Intervenors,

Case No. 1:18-CV-68

**RESPONSE OF DEFENDANT-INTERVENORS ELIZABETH DIAZ, ET AL.  
TO PLAINTIFF STATES' NOTICE OF SUPPLEMENTAL AUTHORITY**

In their Notice of Supplemental Authority (Dkt. 712), Plaintiffs misinterpret the Supreme Court's recent decision in *Biden v. Nebraska*, 143 S. Ct. 2355 (2023), as supporting their positions in this case. None of the facts or circumstances that motivated the Court's decision in *Nebraska* is present here. **First**, with respect to standing, *Nebraska* involved a loan-forgiveness program that all parties had "concede[d]" directly harmed a state instrumentality, *id.* at 2366; unlike the state plaintiffs in *Nebraska*, Texas (the only Plaintiff that has even attempted to show standing) can point to *no* evidence properly in the summary judgment record demonstrating that DACA has directly injured the state or its instrumentalities. **Second**, with respect to statute at issue, unlike the HEROES Act at issue in *Nebraska*, which the Supreme Court believed gave the Secretary of Education only "modest" authority to "waive or modify" certain provisions related to student loans, *id.* at

2368–69, the Immigration and Nationality Act (“INA”) affords the Secretary of the Department of Homeland Security (“DHS”) broad discretion to “administ[er] and enforce[] . . . all [ ] laws relating to [ ] immigration and naturalization,” 8 U.S.C. § 1103(a)(1), and to “[e]stablish[] national immigration enforcement policies and priorities,” 6 U.S.C. § 202(5). **Third**, with respect to the administrative act at issue, unlike the loan-forgiveness program in *Nebraska*, which the Supreme Court held affected 43 million individuals, *see id.* at 2362, at an estimated cost to taxpayers of “between \$469 billion and \$519 billion,” *id.* at 2373 (cleaned up), DACA is entirely consistent with previous exercises of removal-forbearance discretion, affects a relatively small population, and generates significant net taxpayer *benefits*.

Because of those factual differences, *Nebraska* does not support Plaintiffs’ positions here. To the contrary, the differences between this case and *Nebraska* only underscore why Plaintiffs lack standing and why, if this Court does reach the merits, Defendant-Intervenors should still prevail.

# **I. NEBRASKA DOES NOT SUPPORT PLAINTIFFS’ STANDING.**

Plaintiffs conspicuously say nothing at all about *Nebraska*’s standing analysis in their own Notice of Supplemental Authority. Instead, Plaintiffs confine their discussion to their Response to Defendants’ and Defendant-Intervenors’ Notices of Supplemental Authority (Dkt. 713), where they misguidedly attempt to use *Nebraska* to distinguish *United States v. Texas (Enforcement Priorities)*, 143 S. Ct. 1964 (2023), and *Haaland v. Brackeen*, 143 S. Ct. 1609 (2023).<sup>1</sup> The reason Plaintiffs address *Nebraska*’s standing analysis only indirectly

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<sup>1</sup> Plaintiffs’ attempts to use *Nebraska* to distinguish *Enforcement Priorities* and *Brackeen* fail. Plaintiffs argue, for example, that because this case “does not involve any attempt to compel the arrest or prosecution of anyone, [ ] *Enforcement Priorities* does not undermine standing here.” Dkt. 713 at 4. Yet Plaintiffs fail to explain why their attempt to distinguish *Enforcement Priorities* does not doom their argument that their supposed injuries would be redressed by DACA’s

is clear: it does not support their case. In *Nebraska*, the government conceded, and all nine Justices agreed, that MOHELA suffered an injury sufficient to confer standing. *See Nebraska*, 143 S. Ct. at 2366; *id.* at 2386 (Kagan, J., dissenting). The standing question on which the Court divided was merely whether MOHELA’s conceded injury gave *Missouri* standing to sue. *See id.* at 2365. The Court held that it did, not because Missouri was entitled to special solicitude or could sue as *parens patriae*, but instead because Missouri had “suffered an injury in fact—a concrete and imminent harm to a legally protected interest, like property or money—that is fairly traceable to the challenged conduct and likely to be redressed by the lawsuit.” *Id.* at 2365.

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termination. *See, e.g., Enforcement Priorities*, 143 S. Ct. at 1978 (Gorsuch, J., concurring) (rejecting Texas’s redressability argument because a “judicial decree rendering [an executive action] a nullity does nothing to change the fact that federal officials possess the same underlying prosecutorial discretion”). Plaintiffs’ attempt to invoke *Nebraska* to distinguish direct and indirect costs by focusing on whether an agency acts or fails to act, *see* Dkt. 713 at 4–7, is likewise a distinction without a difference: as Defendant-Intervenors have explained, Texas’s supposed (but still unproven) social services costs are not a result of any executive *action*, but instead merely the result of DACA recipients’ presence. *See, e.g.,* Dkt. 400-2, Ex. 7 ¶ 14 (explaining Texas’s supposed social services costs: “it’s not because [DACA recipients] have DACA, it’s because they are here”); *see also* Dkt. 673 at 34 (Plaintiffs conceding that they are “required to provide [social] services regardless of legal status”). Plaintiffs also contend that “the Supreme Court has explicitly approved [the abdication] basis for standing,” Dkt. 713 at 10, even though the Court said only that an “extreme case of non-enforcement *arguably* could . . . support Article III standing” and “*might* change” the “standing calculus.” 143 S. Ct. at 1973–74 (emphasis added); *see also id.* at 1978 (Gorsuch, J., concurring) (merely questioning whether a properly pleaded Take Care Clause claim is an “abdication argument,” not concluding that it is). Plaintiffs likewise assert that special solicitude and *parens patriae* are still alive and well because *Enforcement Priorities* and *Brackeen* did not explicitly preclude them. *See* Dkt. 713 at 11–12, 13–16. But, as Defendant-Intervenors have explained, *see* Dkt. 642 at 23–26, 29–30, neither doctrine has “*direct application*” here, Dkt. 713 at 11 (cleaned up)—and in any event, *Enforcement Priorities* and *Brackeen* at the very least suggest that “lower courts should just leave [special solicitude and *parens patriae*] on the shelf” in future cases. *Enforcement Priorities*, 143 S. Ct. at 1977 (Gorsuch, J., concurring). Finally, Plaintiffs rely on *Texas DAPA*’s standing holding related to driver’s license costs, *see* Dkt. 713 at 10–11, despite the fact that Plaintiffs repeatedly waived their reliance on driver’s license evidence, Plaintiffs provided Defendants and Defendant-Intervenors no opportunity to test the new drivers license cost allegations, and Plaintiffs are no longer entitled to special solicitude. *See* Dkt. 705-2 at 4–5.

Texas has identified no such injury here. In fact, Texas’s desperate attempt to analogize MOHELA’s injuries in *Nebraska* to supposed driver’s license costs that Texas repeatedly, explicitly, and consistently waived long ago, *see* Dkt. 713 at 7, only underscores the fundamental flaws in Texas’s standing argument: Texas can identify no evidence properly in the summary judgment record demonstrating that it spent even a single cent on DACA recipients. *See* Dkt. 642 at 19–22. And even if Texas’s driver’s license costs could ever conceivably fill that gap—which is entirely speculative, because Defendant-Intervenors have not had the opportunity to test Texas’s inconsistent and apparently contradictory statements, *compare* Dkt. 302 at 72:1–6 (“with DACA, the DACA recipients largely already have their driver’s licenses, and they pay a \$24 fee to renew their licenses”), *with* Dkt. 674-1 (declaration containing no mention of renewal fee)—Texas’s driver’s license costs are not properly before the Court. *See* Dkt. 680 at 9–10 (collecting authority). Plaintiffs’ attempt to zoom past any consideration of *Nebraska*’s teachings on standing in favor of discussing the merits, *see* Dkt. 712, should fail because the record developed over the past 5 years in this case is deficient to establish Plaintiffs’ standing. *Nebraska* is therefore perfectly consistent with Defendant-Intervenors’ position that Plaintiffs’ standing theories are fundamentally flawed, warranting the grant of Defendant-Intervenors’ motion for summary judgment.

## **II. NEBRASKA’S NARROW READING OF THE HEROES ACT DOES NOT APPLY TO THE INA.**

Plaintiffs assert that the Court’s analysis in *Nebraska* “supports Plaintiffs[’] argument that DACA and the Final Rule impermissibly rewrote congressional statutes,” and that DACA is not in DHS’s “wheelhouse.” Dkt. 712 at 2. Unlike the Education Act at issue in *Nebraska*, however, Congress’s delegation of authority to the Secretary of DHS is not modest. Rather, in the INA, Congress broadly charged DHS with “administ[ering] and enforce[ing] . . . all [ ] laws relating to [ ] immigration and naturalization,” 8 U.S.C.

§ 1103(a)(1), and to “[e]stablishing national immigration enforcement policies and priorities,” 6 U.S.C. § 202(5). Congress furthered that broad delegation of authority to DHS by empowering the Secretary to “authorize[]” classes of immigrants to be employed by promulgating separate regulations, 8 U.S.C. § 1324a(h)(3), and to determine whether immigrants are “lawfully present” in the United States for purposes of “any benefit payable under title II of the Social Security Act,” 8 U.S.C. § 1611(b)(2). Considering the expansive language in the INA, the Supreme Court has already held that a “principal feature of the removal system is the broad discretion exercised by immigration officials,” *Arizona v. United States*, 567 U.S. 387, 396 (2012), and that “DHS has considerable flexibility in carrying out its responsibility.” *Dep’t of Homeland Sec. v. Regents of the Univ. of Cal.*, 140 S. Ct. 1891, 1914 (2020). Thus, *Nebraska*’s analysis of a separate statute containing different language does not move the needle in Plaintiffs’ favor here.

### **III. DACA DOES NOT VIOLATE *NEBRASKA*’S ARTICULATION OF THE MAJOR QUESTIONS DOCTRINE.**

Plaintiffs devote the majority of their Notice of Supplemental Authority to the Supreme Court’s analysis of the major questions doctrine. *See* Dkt. 712 at 2–4. Despite spilling considerable ink on the Court’s conclusion that the Department of Education overreached, Plaintiffs ignore the considerable daylight between the administrative action at issue in *Nebraska* and DHS’s Final Rule, which renders *Nebraska*’s analysis of the major questions doctrine inapposite.

To start, DACA is considerably smaller than the loan forgiveness program at issue in *Nebraska*. Whereas the loan forgiveness program would have affected as many as 43 *million* borrowers, *see id.* at 1, just over 825,000 individuals have ever received DACA, *see* Dkt. 607-1 at AR2022-100196, and there were only 578,680 DACA recipients as of March 31, 2023. *See* Exhibit A, U.S. Citizenship and Immigration Services, *Count of Active DACA*

*Recipients By Month of Current DACA Expiration As of March 31, 2023*, [https://www.uscis.gov/sites/default/files/document/data/Active\\_DACA\\_Recipients\\_March\\_FY23\\_qtr2.pdf](https://www.uscis.gov/sites/default/files/document/data/Active_DACA_Recipients_March_FY23_qtr2.pdf) (last accessed Aug. 8, 2023). Of note, whereas the loan forgiveness program would have *cost* taxpayers approximately \$500 billion, *see* 143 S. Ct. at 2373, DHS estimated that DACA generates approximately \$20 billion in discounted annualized net *benefits*, *see* Dkt. 607-1 at AR2022\_100335. Thus, the Court’s concern in *Nebraska* about the “staggering” size and scope of the administration’s action, 143 S. Ct. at 1373, does not apply equally here.

Nor does the Court’s discussion of the “unprecedented impact of the Secretary’s loan forgiveness program.” *Id.* at 2374. Whereas the Department of Education’s “past practice” under the HEROES Act was “inconsistent” with the loan modification program, *id.* at 2372 (“past waivers and modifications issued under the Act have been extremely modest and narrow in scope”), DHS’s past practice under the INA is entirely *consistent* with the Final Rule. The district court opinion in *Regents*, for example, recited a litany of historical examples from the last half-century where the federal government has granted discretionary relief from removal to both individuals and various classes of non-U.S. citizens through deferred action. *See, e.g., Regents of the Univ. of Cal. v. U.S. Dep’t of Homeland Sec.*, 279 F. Supp. 3d 1011, 1019-22 (N.D. Cal. 2018), *aff’d*, 908 F.3d 476 (9th Cir. 2018), *rev’d in part, vacated in part*, 140 S. Ct. 1891 (2020) (describing programs since 1975). And, most notably, DACA is entirely consistent with the Family Fairness Program—a broad exercise of discretion subsequently endorsed by Congress in the Immigration Act of 1990—which extended deferred action and employment authorization on a non-country specific basis to approximately 1.5 million people who lacked immigration status. *See* Dkt. 642 at 4, 36–37 (collecting citations).

Finally, the Supreme Court has already suggested that DACA does not violate the major questions doctrine. In *Regents*, the Court emphasized that, especially because of its “breadth,” DACA “involve[s] important policy choices.” 140 S. Ct. at 1910. “Those policy choices,” the Court held, “*are for DHS.*” *Id.* (emphasis added). Particularly against that backdrop, the Court’s context-specific major questions doctrine analysis in *Nebraska* does not support Plaintiffs’ arguments on the merits here. *Nebraska*, 143 S. Ct. at 2379 (Barrett, J., concurring) (“context is also relevant to interpreting the scope of a delegation”).<sup>2</sup>

\* \* \*

Accordingly, despite Plaintiffs’ arguments in their Notice of Supplemental Authority to the contrary, *Nebraska* does not change the conclusion that Plaintiffs have failed to establish standing and their claims fail on the merits.

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<sup>2</sup> Plaintiffs also argue that *Nebraska*’s discussion of former Speaker Pelosi’s comments and Congress’s failure to pass student debt relief parallel former President Obama’s statements and Congress’s inaction in this case. *See* Dkt. 712 at 3–4. But that discussion, in the context of the Court’s analysis of the major questions doctrine, *see* 143 S. Ct. at 2374, was “not necessary to” the Court’s holding, *id.* at 2376 (Barrett, J., concurring)—and its effect on the HEROES Act’s meaning “should give a textualist pause.” *Id.* In any event, Plaintiffs’ focus on President Obama’s speculation about the legality of an “executive order,” *Texas v. United States*, 549 F. Supp. 3d 572, 605 n.39 (2021) (emphasis added) (cited in Dkt. 712 at 4), is irrelevant with regard to the Final Rule. And this Court has already recognized that Congress has failed to pass the DREAM Act “because it was always joined with something else that one side or the other found objectionable.” Dkt. 565 at 6:22–7:1; *see also Texas v. United States*, 328 F. Supp. 3d 662, 674 (2018) (noting that Congress has failed to pass the DREAM Act “for whatever reason”). As evidenced by Congress’s endorsement of the Family Fairness Program, Congress has historically endorsed DHS’s exercise of enforcement discretion in cases affecting large numbers of individuals; it is the particularities of the political process around the DREAM Act, and not its endorsement of DHS’s discretion, that explain Congress’s inaction.

Dated: August 8, 2023

Respectfully Submitted,

**MEXICAN AMERICAN LEGAL  
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Count of Active DACA Recipients  
By Month of Current DACA Expiration  
As of March 31, 2023



U.S. Citizenship  
and Immigration  
Services

Month of Current DACA Expiration	Active DACA Recipients (Rounded)
<b>TOTAL <sup>1</sup></b>	<b>578,680</b>
Apr-23	4,820
May-23	13,160
Jun-23	16,990
Jul-23	25,360
Aug-23	50,960
Sep-23	42,780
Oct-23	32,430
Nov-23	19,680
Dec-23	20,680
Jan-24	26,540
Feb-24	29,310
Mar-24	39,300
Apr-24	22,150
May-24	18,910
Jun-24	16,550
Jul-24	16,140
Aug-24	20,730
Sep-24	19,880
Oct-24	23,250
Nov-24	21,590
Dec-24	14,440
Jan-25	7,530
Feb-25	44,960
Mar-25	30,540

**Reference:**

<sup>1</sup> Totals may not sum due to rounding.

**Notes:**

- 1) The report reflects the most up-to-date estimate available at the time the database is queried.
- 2) Counts may differ from previous periods due to system updates and post-adjudicative outcomes.
- 3) This report reflects the number of individuals with DACA expiration on or after Mar. 31, 2023 as of Mar. 31, 2023.
- 4) Individuals who have obtained Lawful Permanent Resident status or U.S. citizenship are excluded.
- 5) For a complete list of USCIS forms and descriptions, visit: <https://www.uscis.gov/forms>

**Source:**

Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Performance and Quality  
ELIS, CLAIMS3, queried 04/2023, TRK 11857

Count of Active DACA Recipients  
By Country of Birth  
As of March 31, 2023



U.S. Citizenship  
and Immigration  
Services

Country of Birth <sup>1</sup>	Count (Rounded) <sup>2</sup>	Country of Birth <sup>1</sup>	Count (Rounded) <sup>2</sup>
<b>TOTAL</b>		<b>578,680</b>	
Mexico	468,000	El Salvador	22,560
Guatemala	15,340	Honduras	14,120
Peru	5,380	Korea, South	5,320
Brazil	4,380	Ecuador	4,100
Colombia	3,540	Argentina	2,870
Philippines	2,790	Jamaica	1,950
India	1,850	Venezuela	1,800
Dominican Republic	1,630	Uruguay	1,450
Trinidad and Tobago	1,230	Bolivia	1,220
Nicaragua	1,130	Costa Rica	1,120
Chile	1,030	Poland	960
Pakistan	940	Nigeria	810
Guyana	710	Belize	590
Indonesia	570	Canada	550
Kenya	510	China	490
Bangladesh	380	United Kingdom	380
Portugal	360	Ghana	360
Mongolia	360	Panama	310
Italy	270	Israel	250
Bahamas, The	230	Albania	210
Saint Lucia	170	Taiwan	170
Jordan	170	Paraguay	160
Germany	160	Zambia	150
Thailand	140	Turkey	140
South Africa	140	Saudi Arabia	140
Egypt	130	United Arab Emirates	130
Armenia	130	Hong Kong	130
Haiti	120	Malaysia	120
France	110	Senegal	110
Ukraine	110	Lithuania	100
Sri Lanka	100	Russia	100
Cameroon	100	Japan	100
Guinea	90	Zimbabwe	90
Morocco	90	Gambia, The	90
Greece	90	Grenada	90
Saint Vincent and the Grenadines	80	Côte D'Ivoire	80
Romania	80	Spain	80
Suriname	80	Lebanon	80
Sierra Leone	70	Barbados	70
Fiji	70	Malawi	70
Dominica	70	Tanzania	60
Hungary	60	Czech Republic	60
Macedonia	60	Uganda	60
Antigua and Barbuda	50	New Zealand	50
Bulgaria	50	Iran	50

Count of Active DACA Recipients  
By Country of Birth  
As of March 31, 2023



U.S. Citizenship  
and Immigration  
Services

Country of Birth <sup>1</sup>	Count (Rounded) <sup>2</sup>	Country of Birth <sup>1</sup>	Count (Rounded) <sup>2</sup>
Cabo Verde	40	Nepal	40
Kuwait	40	Tonga	40
Vietnam	40	Angola	40
Australia	40	Montenegro	40
Mali	40	Cambodia	40
Netherlands	40	Democratic Republic of Congo	30
Singapore	30	Samoa	30
Ethiopia	30	Liberia	30
Uzbekistan	30	Qatar	30
Turks and Caicos Islands	30	Saint Kitts and Nevis	30
Slovakia	30	Virgin Islands, British	30
Belgium	20	Gabon	20
Netherlands Antilles	20	Serbia	20
Sweden	20	Yemen	20
Bahrain	20	Togo	20
Estonia	20	Yugoslavia	20
Austria	20	Bermuda	20
Congo	20	Botswana	20
Ireland	20	Kosovo	20
Cayman Islands	10	Syria	10
Algeria	10	Laos	10
Montserrat	10	Niger	10
Azerbaijan	10	Belarus	10
Benin	10	Denmark	10
Oman	10	Switzerland	10
USSR	10	Croatia	10
Libya	10	Madagascar	10
Burkina Faso	10	Georgia	10
Iraq	10	Kazakhstan	10
Namibia	10	Slovenia	10
Somalia	10	Afghanistan	10
French Guiana	10	Guadeloupe	10
Kyrgyzstan	10	Macau	10
Moldova	10	Burundi	10
Latvia	10	Chad	10
Lesotho	10	Luxembourg	10
Norway	10	Bosnia and Herzegovina	D
Brunei	D	Guinea-Bissau	D
Mauritania	D	Mauritius	D
Palestine	D	Rwanda	D
Aruba	D	Central African Republic	D
Cyprus	D	Martinique	D
Micronesia, Federated States of	D	Tunisia	D

Count of Active DACA Recipients  
By Country of Birth  
As of March 31, 2023



U.S. Citizenship  
and Immigration  
Services

Country of Birth <sup>1</sup>	Count (Rounded) <sup>2</sup>	Country of Birth <sup>1</sup>	Count (Rounded) <sup>2</sup>
Tuvalu	D	Western Samoa	D
Zaire	D	Bhutan	D
Equatorial Guinea	D	Marshall Islands	D
Palau	D	Sudan	D
Swaziland	D	Andorra	D
Anguilla	D	Burma	D
Cuba	D	Eritrea	D
Finland	D	French Polynesia	D
Korea, North	D	Malta	D
Mozambique	D	New Caledonia	D
Northern Ireland	D	Tajikistan	D
Turkmenistan	D	Not available	210

**Table Key:**

D Disclosure standards not met

**References**

<sup>1</sup> Country of birth reflects the country of birth reported on form I-821D.

<sup>2</sup> Totals may not sum due to rounding.

**Notes:**

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- 5) For a complete list of USCIS forms and descriptions, visit: <https://www.uscis.gov/forms>

**Source:**

Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Performance and Quality  
ELIS, CLAIMS3, queried 04/2023, TRK 11857

Count of Active DACA Recipients  
By State or Territory  
As of March 31, 2023



U.S. Citizenship  
and Immigration  
Services

State or Territory of Residence	Count (Rounded) <sup>1</sup>	State or Territory of Residence	Count (Rounded) <sup>1</sup>
<b>TOTAL</b>		<b>578,680</b>	
California	164,320	Texas	95,430
Illinois	30,620	New York	23,610
Florida	22,690	North Carolina	22,010
Arizona	21,890	Georgia	19,050
New Jersey	14,290	Washington	14,270
Colorado	12,770	Nevada	11,200
Oregon	8,400	Virginia	8,390
Indiana	8,150	Utah	7,620
Maryland	7,060	Tennessee	7,010
Wisconsin	5,790	Oklahoma	5,670
South Carolina	5,250	New Mexico	4,890
Massachusetts	4,840	Kansas	4,830
Michigan	4,670	Minnesota	4,540
Pennsylvania	4,070	Arkansas	4,040
Alabama	3,700	Ohio	3,550
Connecticut	3,150	Missouri	2,720
Nebraska	2,620	Idaho	2,510
Kentucky	2,440	Iowa	2,170
Louisiana	1,530	Delaware	1,210
Mississippi	1,200	Rhode Island	790
District of Columbia	510	Wyoming	440
Hawaii	330	New Hampshire	250
South Dakota	190	North Dakota	130
West Virginia	120	Montana	80
Alaska	70	Puerto Rico	70
Maine	60	Armed Forces Americas (except Canada)	50
Vermont	40	Virgin Islands	20
American Samoa	10	Guam	10
Federated States of Micronesia	10	Northern Mariana Islands	10
Armed Forces Pacific	D	Armed Forces Africa, Canada, Europe, Middle East	D
Marshall Islands	D	Palau	D
Not available	1,330		

**Table Key:**

D Disclosure standards not met

**Reference:**

<sup>1</sup> Totals may not sum due to rounding.

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- 5) For a complete list of USCIS forms and descriptions, visit: <https://www.uscis.gov/forms>

**Source:**

Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Performance and Quality  
ELIS, CLAIMS3, queried 04/2023, TRK 11857

Count of Active DACA Recipients  
By Core Based Statistical Area  
As of March 31, 2023



U.S. Citizenship  
and Immigration  
Services

Core Based Statistical Area <sup>1</sup>	Count (Rounded) <sup>2</sup>	Core Based Statistical Area <sup>1</sup>	Count (Rounded) <sup>2</sup>
<b>TOTAL</b>			<b>578,680</b>
Los Angeles-Long Beach-Anaheim, CA	70,050	New York-Newark-Jersey City, NY-NJ-PA	34,930
Dallas-Fort Worth-Arlington, TX	30,880	Houston-The Woodlands-Sugar Land, TX	29,460
Chicago-Naperville-Elgin, IL-IN-WI	29,180	Riverside-San Bernardino-Ontario, CA	21,970
Phoenix-Mesa-Scottsdale, AZ	19,130	Atlanta-Sandy Springs-Roswell, GA	13,400
San Francisco-Oakland-Hayward, CA	11,270	Washington-Arlington-Alexandria, DC-VA-MD-WV	10,530
San Diego-Carlsbad, CA	9,380	Las Vegas-Henderson-Paradise, NV	8,950
Miami-Fort Lauderdale-West Palm Beach, FL	8,380	Denver-Aurora-Lakewood, CO	7,990
San Jose-Sunnyvale-Santa Clara, CA	7,250	Austin-Round Rock, TX	6,580
McAllen-Edinburg-Mission, TX	6,360	Seattle-Tacoma-Bellevue, WA	6,350
Charlotte-Concord-Gastonia, NC-SC	5,250	Sacramento--Roseville--Arden-Arcade, CA	5,240
Portland-Vancouver-Hillsboro, OR-WA	4,870	Bakersfield, CA	4,680
San Antonio-New Braunfels, TX	4,640	Fresno, CA	4,490
Salt Lake City, UT	3,980	Philadelphia-Camden-Wilmington, PA-NJ-DE-MD	3,780
Boston-Cambridge-Newton, MA-NH	3,660	Minneapolis-St. Paul-Bloomington, MN-WI	3,560
Indianapolis-Carmel-Anderson, IN	3,490	Oxnard-Thousand Oaks-Ventura, CA	3,450
Raleigh, NC	3,270	Visalia-Porterville, CA	3,160
Stockton-Lodi, CA	3,130	Kansas City, MO-KS	3,020
Nashville-Davidson--Murfreesboro--Franklin, TN	2,860	Tampa-St. Petersburg-Clearwater, FL	2,860
Modesto, CA	2,760	Oklahoma City, OK	2,700
Santa Maria-Santa Barbara, CA	2,590	Salinas, CA	2,540
Orlando-Kissimmee-Sanford, FL	2,480	Milwaukee-Waukesha-West Allis, WI	2,330
Albuquerque, NM	2,310	Santa Rosa, CA	2,150
Baltimore-Columbia-Towson, MD	2,060	Winston-Salem, NC	2,050
Detroit-Warren-Dearborn, MI	2,050	Brownsville-Harlingen, TX	1,840
Salem, OR	1,800	Greensboro-High Point, NC	1,770
Merced, CA	1,760	Yakima, WA	1,750
Tulsa, OK	1,690	Kennewick-Richland, WA	1,680
Columbus, OH	1,670	Memphis, TN-MS-AR	1,640
Tucson, AZ	1,620	Reno, NV	1,600
Bridgeport-Stamford-Norwalk, CT	1,540	Durham-Chapel Hill, NC	1,540
Fayetteville-Springdale-Rogers, AR-MO	1,510	Provo-Orem, UT	1,510
Vallejo-Fairfield, CA	1,390	North Port-Sarasota-Bradenton, FL	1,370
Cape Coral-Fort Myers, FL	1,360	Omaha-Council Bluffs, NE-IA	1,340
El Paso, TX	1,310	Birmingham-Hoover, AL	1,270
Gainesville, GA	1,250	Grand Rapids-Wyoming, MI	1,230
Greenville-Anderson-Mauldin, SC	1,210	Lakeland-Winter Haven, FL	1,200
Ogden-Clearfield, UT	1,200	Providence-Warwick, RI-MA	1,110
Santa Cruz-Watsonville, CA	1,110	Wichita, KS	1,100
Boise City, ID	1,080	Laredo, TX	1,070
Richmond, VA	1,040	Elkhart-Goshen, IN	1,040
Other CBSA	89,560	Not available	2,650
Non CBSA	12,410		

**Table Key**

D Disclosure standards not met

**References:**

<sup>1</sup>Core Based Statistical Areas (CBSA) at the time of most recent adjudication. CBSAs are defined by the Office of Management and Budget.

<sup>2</sup> Totals may not sum due to rounding.

**Notes:**

- 1) The report reflects the most up-to-date estimate available at the time the database is queried.
- 2) Counts may differ from previous periods due to system updates and post-adjudicative outcomes.
- 3) This report reflects the number of individuals with DACA expiration on or after Mar. 31, 2023 as of Mar. 31, 2023.
- 4) Individuals who have obtained Lawful Permanent Resident status or U.S. citizenship are excluded.
- 5) For a complete list of USCIS forms and descriptions, visit: <https://www.uscis.gov/forms>

**Source:**

Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Performance and Quality  
ELIS, CLAIMS3, queried 04/2023, TRK 11857

Count of Active DACA Recipients  
By Gender  
As of March 31, 2023



U.S. Citizenship  
and Immigration  
Services

Gender	Count (Rounded) <sup>1</sup>
<b>TOTAL</b>	<b>578,680</b>
Female	310,950
Male	267,050
Not available	680

**Reference:**

<sup>1</sup> Totals may not sum due to rounding.

**Notes:**

- 1) The report reflects the most up-to-date estimate available at the time the database is queried.
- 2) Counts may differ from previous periods due to system updates and post-adjudicative outcomes.
- 3) This report reflects the number of individuals with DACA expiration on or after Mar. 31, 2023 as of Mar. 31, 2023.
- 4) Individuals who have obtained Lawful Permanent Resident status or U.S. citizenship are
- 5) For a complete list of USCIS forms and descriptions, visit: <https://www.uscis.gov/forms>

**Source:**

Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Performance and Quality  
ELIS, CLAIMS3, queried 04/2023, TRK 11857

Count of Active DACA Recipients  
By Marital Status  
As of March 31, 2023



U.S. Citizenship  
and Immigration  
Services

Marital Status	Count (Rounded) <sup>1</sup>
<b>TOTAL</b>	<b>578,680</b>
Single	399,900
Married	163,910
Divorced	13,610
Widowed	590
Not available	680

**Reference:**

<sup>1</sup> Totals may not sum due to rounding.

**Notes:**

- 1) The report reflects the most up-to-date estimate available at the time the database is queried.
- 2) Counts may differ from previous periods due to system updates and post-adjudicative outcomes.
- 3) This report reflects the number of individuals with DACA expiration on or after Mar. 31, 2023 as of Mar. 31, 2023.
- 4) Individuals who have obtained Lawful Permanent Resident status or U.S. citizenship are excluded.
- 5) Marital status reflects the DACA recipient's marital status as of the most recent adjudication.
- 7) For a complete list of USCIS forms and descriptions, visit: <https://www.uscis.gov/forms>

**Source:**

Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Performance and Quality  
ELIS, CLAIMS3, queried 04/2023, TRK 11857

## Count of Active DACA Recipients

By Age on March 31, 2023

As of March 31, 2023

U.S. Citizenship  
and Immigration  
Services

Age	Count (Rounded) <sup>1</sup>
<b>TOTAL</b>	<b>578,680</b>
Under 16	10
16-20	4,730
21-25	153,090
26-30	204,790
31-35	142,150
36-40	68,840
Not available	5,070
Average Age	29.2
Median Age	29
Interquartile Range	25 to 33

**Reference:**<sup>1</sup> Totals may not sum due to rounding.**Notes:**

- 1) The report reflects the most up-to-date estimate available at the time the database is queried.
- 2) Counts may differ from previous periods due to system updates and post-adjudicative outcomes.
- 3) This report reflects the number of individuals with DACA expiration on or after Mar. 31, 2023 as of Mar. 31, 2023.
- 4) Individuals who have obtained Lawful Permanent Resident status or U.S. citizenship are excluded.
- 5) For a complete list of USCIS forms and descriptions, visit: <https://www.uscis.gov/forms>

**Source:**

Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Performance and Quality  
 ELIS, CLAIMS3, queried 04/2023, TRK 11857